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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,080

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Jin-Kyeong Kim

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EXAMINER

ZEWARI, SAYED T

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/535,080	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> SAYED T. ZEVARI	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Response to Amendment***

2. Applicant's arguments filed on 11/28/2007 have been fully considered but they are not persuasive.

3. The applicant's features in the claims wherein a method and apparatus for searching and determining the presence of a WLAN access point in an area, reads on Gunnarsson as follows:

4. The applicant claims a method and apparatus for determining the access point of a WLAN based on broadcasting information from a base station. Gunnarsson et al. also discloses an apparatus and method of determining whether or not there is an access point of a WLAN based on broadcasting information transmitted from a base station. As the applicant in the remarks has admitted, Gunnarsson discloses sending notification to the mobile, having a mobile communication module and a WLAND module, of the existence of a WLAN access point. Applicant's argument with regard to tracking of mobile station in the Gunnarsson is irrelevant. Gunnarsson already covers the limitations of the applicant's claims, namely, notifying the mobile terminal which has a mobile communication module, of the existence of a WLAN access point. Further, this action of tracking a mobile is inherently done by the applicant system. Because without

such tracking of the mobile terminal, the base station would not know if the mobile station is within the vicinity of an access point.

5. Therefore, Gunnarsson et al. discloses all the limitations of the claims of the applicant.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being by Gunnarsson et al. (US 2003/0,118,015).

With respect to claim 1, Gunnarsson discloses an apparatus for searching an access point of a mobile terminal (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**), the apparatus comprising: wireless LAN service determination means for determining whether or not there is an access point of wireless LAN providing

wireless data service based on broadcasting information transmitted within a service area of a base station (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**); and wireless LAN service means for searching a beacon signal transmitted from the access point of the wireless LAN according to the determination result of the wireless LAN service determination means and receiving wireless data service from the access point of the wireless LAN based on the beacon signal (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**).

With respect to claim 4, Gunnarsson discloses a method for searching an access point (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**), the method comprising the steps of:

- a) obtaining broadcasting information, transmitted within a service area of a base station, by using a mobile communication module of a mobile station (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**);
- b) determining whether or not there is the wireless LAN access point providing services based on the obtained broadcasting information (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**); and
- c) receiving wireless data service from the wireless LAN access point by using a wireless LAN module which searches periodically transmitted beacon signal of the wireless LAN access point in case there is the wireless LAN access point is existed

**(See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5).**

With respect to claim 2, Gunnarsson an apparatus wherein the mobile station is a dual mode mobile station having a wireless LAN module and a mobile communication module **(See Gunnarsson's abstract, see section [0002], [0006], [0010], [0018], [0024] figure 4).**

With respect to claim 3, Gunnarsson an apparatus wherein the base station is installed by setting predetermined service area based on a location in which the access point **(See Gunnarsson's section [00012], see page 5 claim 27).**

With respect to claim 5, Gunnarsson a method wherein the broadcast information includes information indicating presence of wireless LAN access point and is periodically broadcasted to all mobile stations in a service area of the base station **(See Gunnarsson's section [00020], see page 5 claim 9).**

With respect to claim 6, Gunnarsson an inherent computer readable recoding medium having executable instructions for implementing a method for searching an access point **(See Gunnarsson's abstract, see figure 1-5, section [0012], [0019], [0023] where the electronic devices inherently have computer readable recording medium),** the method comprising the steps of:

a) obtaining broadcasting information, provided within a service area of a base station, by a mobile communication module of a mobile station **(See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5);**

b) determining whether or not there is the wireless LAN access point providing services based on the obtained broadcasting information (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**); and

c) receiving wireless data service from the wireless LAN access point by using a wireless LAN module which searches periodically transmitted beacon signal of the wireless LAN access point in case there is the wireless LAN access point is existed (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5**).

With respect to claim 7 and 8, Gunnarsson discloses an apparatus and method of notifying a mobile terminal of the existence of a WLAN access point in an area using the regular mobile terminal communication module via a base station wherein the broadcast information is inherently includes conventional broadcast information (**See Gunnarsson's abstract, see section [0001], [0005], [0006], [0014], [0017]-[0020], figure 1-5, see additional information at section [0002]-[0004]**).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAYED T. ZEWARDI whose telephone number is (571)272-6851. The examiner can normally be reached on 8:30-4:30.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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/Sayed T Zewari/

Examiner, Art Unit 2617

March 10, 2008

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617